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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,693	01/28/2002	Darryl Richard Schick	122185.100B	4085
26119	7590	02/23/2004	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			RAHMJOO, MANUCHER	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,693

Applicant(s)

SCHICK ET AL.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 7, 12 and 13 are objected to because of the following informalities:

As per claim 7 the dependency information is improper. For considering claim 7 on the merits the examiner assumes it depends on claim 6.

As per claim 12 the dependency information is improper. For considering claim 12 on the merits the examiner assumes it depends on claim 11.

As per claim 13 the dependency information is improper. For considering claim 13 on the merits the examiner assumes it depends on claim 11.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 2 applicant recites " ...making a contact sheet... ". it is not clear what a contact sheet is and whether or not it contains album tiles prior to making it.

As per claim 4 step b applicant recites "...user makes one or more...". It is not clear if it is "made" or "makes" due to the fact that step a occurs prior to step b.

As per claim 4 step c applicant recites "...ensuring that the image...". It is not clear how ensuring is done. Is done manually or is It an automatic process?

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel et al (US PUB 2002/0122067), hereinafter, Geigel in view of Mastronardi (US PUB 2002/0126141).

As per claims 1, 6, and 11 Geigel teaches displaying, to a user, a group of images for which corresponding image files are available see for example figure 1 and page 5 paragraph [0077] through the use of album pages; and prompting the user to select a plurality of selected images from the group see for example page 1 paragraph [0010] for selection based on user preferences; and prompting the user to save the selected images to a storage medium as an album of images see for example figure 1

and page 3 paragraph [0056]; and receiving an instruction from the user to save the selected images to the storage medium as an album of images see for example page 5 paragraph [0078]; and making a copy of each image file that corresponds to the selected images to result in image file copies see for example page 4 paragraph [0061]; and saving, to the storage medium, the image file copies that correspond to the selected images see for example figure 1 module 56 and page 3 paragraph [0057].

However, Geigel does not teach compressing the image file copies.

Mastronardi teaches compressing the image file copies.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings to provide bulk memory representing an image and therefore provide a process for making a selecting on a audiovisual reproduction system using user friendly on screen windows see for example page 1 paragraph [0008].

As per claims 2, 7, and 12 Geigel teaches making a contact sheet (see for example page creator module 126 of figure 7) comprised of a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user and including representations of the images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

As per claims 3, 8, and 13 Geigel teaches automatically resizing the image file copies so that the selected images, when displayed, will have a resolution not exceeding a resolution (system parameters such as resolution for alburng situations)

required for optimal viewing on a standard display see for example figure 7 and page 4 paragraph [0064] wherein scaling is done through image placement module 132 and page 6 paragraph [0087].

As per claims 4, 9, and 14 Geigel teaches prompting the user to make one or more modifications to any of the selected images see for example; and automatically adjusting the image file copies corresponding to the selected images for which the user makes one or more modifications so that said image file copies result in adjusted image file copies that include the one or more modifications see for example; and in the saving step, ensuring that the image file copies that have resulted in adjusted image file copies are saved as adjusted image file copies see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein subsequent use of the system by a particular user is done through implementation of user preferences through album automation system.

As per claims 5, and 10 Geigel teaches saving, to the storage medium, a file that contains parameters of the album, wherein the file allows a user to automatically recreate the image album for further duplication or modification see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein implementation of user preferences is done through album automation system which can be repeated by subsequent use of the system and the output can be produced on variety of photo delivery media e.g. picture CD media.

As per claim 15 Geigel saving, to the storage medium, a link that allows a user to view the image files that are stored on the storage medium as an album of images see for example claim 2 on page 12.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure ; US Patent 6,396,472, 6,202,061, and US PUB 2002/0154147, 2003/0063131, 2002/0126141, 2003/0058254, 2002/0167538.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

February 11, 2004



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